

**FINNEGAN, HENDERSON, FARABOW
GARRETT & DUNNER, LLP**

901 New York Avenue, N.W.
Washington, DC 20001

*Attorneys for Plaintiff
Eli Lilly and Company*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ELI LILLY AND COMPANY,

Plaintiff,

V.

ACTAVIS ELIZABETH LLC,
GLENMARK PHARMACEUTICALS
INC., USA, SUN PHARMACEUTICAL
INDUSTRIES LIMITED, SANDOZ INC.,
MYLAN PHARMACEUTICALS INC.,
APOTEX INC., AUROBINDO PHARMA
LTD., TEVA PHARMACEUTICALS
USA, INC., SYNTHON LABORATORIES,
INC., ZYDUS PHARMACEUTICALS,
USA, INC.,

Defendants.

Civil Action No. 07-3770
(DMC)(JAD)

**DECLARATION OF JENNIFER
S. SWAN IN SUPPORT ELI
LILLY AND COMPANY'S
MOTION FOR (1) DEFERRAL
OF ENTRY OF JUDGMENT OR
FOR AN ORDER TO SHOW
CAUSE WITH TEMPORARY
RESTRAINTS AND (2) A
TEMPORARY INJUNCTION**

I, Jennifer S. Swan, declare, under penalty of perjury, as follows:

1. I am an attorney for Finnegan, Henderson, Farabow, Garrett & Dunner, LLP, attorneys for Plaintiff Eli Lilly and Company ("Lilly") in this action, and an attorney admitted to practice before this Court. I am thoroughly familiar with the facts and circumstances of this action. I make this Declaration in support of Lilly's Memorandum of Law in Support of Eli Lilly and Company's Motion for (1) Deferral of Entry of Judgment or for an Order to Show Cause with Temporary Restraints and (2) a Temporary Injunction.

2. Attached hereto as Exhibit 1 is a true and correct copy of *Sanofi-Aventis U.S. LLC v. Sandoz, Inc.*, Nos. 2009-1427, -1444, slip op. (Fed. Cir. Aug. 13, 2009).

3. Attached hereto as Exhibit 2 is a true and accurate copy of a letter from Chad A. Landmon, attorney for Actavis Elizabeth LLC, to John F. Brenner and Laura P. Masurovsky, attorneys for Lilly, dated June 10, 2010.

4. Attached hereto as Exhibit 3 is a true and accurate copy of a letter from Huiya Wu, attorney for Teva Pharmaceuticals USA, Inc., to Laura Masurovsky, attorney for Lilly, dated August 12, 2010.

I declare under penalty of perjury that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: August 13, 2010


Attorney for Plaintiff
Eli Lilly and Company